

Appl. No. 10/037,160

Reply to Office Action of July 01, 2005

## REMARKS

This Response is submitted in reply to the Office Action dated July 01, 2005. Claims 1-20 are pending in the patent application. Claims 1-20 were rejected under 35 U.S.C. § 103(a). Claims 1, 7, 9, 10 and 11 have been amended. No new matter has been added thereby. At least for the reasons set forth below, Applicants believe that the rejections raised in the Office Action have been overcome and thus should be withdrawn.

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,880,731 to Liles et al. ("Liles") in view of U.S. Patent No. 6,064,383 to Skelly ("Skelly"). Thus, the Patent Office primarily relies on Liles and further relies on the Skelly reference to remedy the deficiencies of same. Applicants believe that this rejection is improper and further the combination of Liles and Skelly is distinguishable from the claimed invention as defined by claims 1-20. Of the pending claims at issue, claims 1, 7, 9, 10 and 11 are the sole independent claims.

The claimed invention is directed to an information processing device and method and recording medium for enabling a plurality of users to participate as avatars in a virtual space where the feeling expressions of an avatar corresponding to a user's conditions are managed. Specifically as defined by Claim 1, in one embodiment, the claimed invention is directed to an information processing device including a manager for managing data and feeling expressions of an avatar which correspond to a user's conditions. The managing data is selected from at least one of a plurality of conditions and a plurality of levels associated with each condition, wherein each of the feeling expressions are based on at least one of the conditions and one of the levels, a device provided with a function of detecting information on a living body, and an image input device. See, Specification, for example, pg. 13, ln. 21-27. The device also includes a storage area for storing data on image displays of the avatar which correspond to the feeling expressions. The device further includes a display controller for controlling the image displays of the avatars based on the data stored in the storage area.

Claim 7 is directed to an information processing method for enabling a plurality of users to participate as respective avatars in a virtual space constructed on a network and having conversations with each other. Claim 9 is directed to a recording medium in which an information processing program is stored for executing steps to enable a plurality of users to

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participate as respective avatars in the virtual space constructed on a network; claim 10 is directed to a program for executing functions in a virtual space constructed on a network in which a plurality of users participate in its respective avatars and have conversations with other users; and, claim 11 is directed to a character device used in connection with the communication terminal device which jointly uses a virtual space with other communication terminal devices. Independent claims 7, 9, 10 and 11 have been amended to include, in part, managing data features as described above with respect to claim 1.

Applicants believe that the claimed invention is distinguishable over the cited art for at least the reasons as discussed in Applicants' prior response to the Patent Office, and for at least the reasons as provided herein. See, Applicants' prior Response, dated March 25, 2005. Further, Applicants respectfully disagree with the Patent Office's position that the claimed invention is allegedly not distinguishable over the cited art. See, Office Action, page 5. For example, Applicants respectfully disagree with the Patent Office's position that "an input device provided with a function of detecting information on a living body, and an image input device" as required by the claimed invention is not patentably distinguished from Liles that provides, "a gesture by an avatar that represents a participant in an on-line graphic chat session, comprising the steps of providing an animation in which the avatar appears to move in a defined manner that conveys the gesture, said gesture being determined by the participant to convey at least one of a plurality of different personality traits and/or current emotions; during an idle period for the participant in the chat session, when the avatar is performing a selected action, automatically initiating another animation in which the avatar appears to move in a defined manner that conveys another gesture, the other gesture being determined by the participant to convey at least one of a plurality of different personality traits and/or current emotions." See, Office Action, pages 5-6; and, Liles, column 14, lines 15-34 and figure 5.

Clearly, the Patent Office has mischaracterized either or both of the Liles reference and the claimed invention. As previously submitted to the Patent Office, Liles discloses a graphic chat session where each participant is enabled to select and initiate an animation employing the avatar. The animation conveys a desired emotion and/or state of mind to another participant in the chat session. The animation selected by the participant to convey the desired emotion and/or state of mind may selectively be displayed in combination with a textual message that is

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transmitted by the participant. Liles, column 3, lines 33-40. While the avatar in Liles is able to display "emotion" and perform animated gestures, these emotions and gestures are selected from a predetermined list of emotions and gestures. Id. In Liles, it is the user who actively determines and selects the desired emotion and/or gesture. In either case, the emotion or gesture is displayed only after the user actively selects from a list of predetermined possibilities, or "during an idle period for the user in the chat session, when the avatar is otherwise inactive, the animation is automatically initiated without requiring any input by the participant." Liles, column 3, lines 23-26. Clearly, this fails to disclose or suggest a manager for managing data on feeling expressions of an avatar which correspond to a user's conditions, wherein in part, said managing data is selected from a device provided with a function of detecting information on a living body, and an image input device as required, in part, by the claimed invention as discussed above. Moreover, Liles is clearly distinguishable from the claimed invention, where the claimed invention provides for the ability of the avatar existing in the virtual space to perform feeling expressions by detecting information on a living body as further supported in the Specification on page 13, at lines 21-27. For example, but not limited to, a mouse may be provided with a function of detecting information of a living body such as the amount of perspiration or heart rate, and judge and set the feeling of a user based upon the data detected by the function. Furthermore, variation of the face images of a user may be picked up by a camera or the like to analyze the variation of the facial expressions of the user and set the condition of the user. Id. Clearly, Liles and the claimed invention are patentably distinct, where Liles is directed to avatars displaying emotions and gestures from a predetermined list that is irrespective of a user's living body in contrast to the claimed invention, where the computer can select the emotion and/or gesture to display based on information detected on a living body. Therefore, Liles on its own is clearly deficient with respect to the claimed invention.

Further, Applicants do not believe that the Patent Office can rely solely on Skelly to remedy the deficiencies of Liles, for at least the same reasons as above, and further, at least for the reasons below. Again, Applicants respectfully submit that the Patent Office has mischaracterized the Skelly and/or the claimed invention in much the same manner as above. The Patent Office has alleged that the emotion wheel in Skelly is not patentably distinguishable from "a device provided with a function of detecting information on a living body, and an image

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input device" as recited, in part, by the claimed invention. See, Office Action, page 3. Applicants respectfully submit that the Skelly reference fails to teach or suggest same. Skelly discloses, at column 4, lines 27-64 and column 12-44, the use of an emotion wheel. The emotion wheel allows a user to select a particular emotion and a level thereof. Again, in much the same way as Liles, the user actively selects the emotion state of the character to be displayed. Clearly, this is patentably distinguishable from the claimed invention where the computer can select the emotion and/or gesture to display based on information detected on a living body. No aspect of Skelly or Liles discloses or suggests same.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to claims 1-20 be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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